

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stephen D. Amo et al. Art Unit : 2837
Serial No. : 10/669,060 Examiner : Anthony J. Salata
Filed : September 23, 2003
Title : INFORMATION DISPLAY SYSTEM

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER RULE 1.182

Applicant petitions the Office to amend an abandoned application to correct a priority claim required under Rule 78.

Facts

The present application (10/669060) was abandoned in favor of a continuation application.

The first paragraph of the present application (10/669060) includes a statement of priority as required by Rule 78. Because of an omission, the statement of priority is incorrect.

A correct statement of priority was on the transmittal letter filed with the present application (10/669060).

The Office recognized the correct statement of priority in the present application (10/669060), both the in filing receipt and in PAIR.

In a final office action mailed on March 5, 2007 in US application 11/220000, which, under 35 USC 120, relies on the present application 10/669060 for priority, the Examiner identified the error in the first paragraph of the present application.

On April 3, 2007, Applicant submitted a corrected application data sheet in the present application 10/669060.

On April 3, 2007, Applicant responded to the office action of March 5, 2007 in application 11/220000 by drawing attention to the filing of the corrected application data sheet in the present application 10/669060.

In an advisory action mailed on April 16, 2007, the Examiner indicated that the filing of the corrected application data sheet in 10/669060 was ineffective.

Relief Sought

Applicant requests that the Office permit amendment of abandoned application 10/669060 to correct the Rule 78 statement of priority.

Basis for relief

Under *Sampson v. Commissioner*,¹ the Office is authorized to permit amendment of an abandoned application for purposes other than prosecution.

The Office has established a policy of permitting the recitation of priority under Rule 78 to be amended without the filing of a petition under Rule 78 provided that the Office recognized the correct priority claim notwithstanding the error in the recitation of the priority claim.²

The Office provides two options for correcting the priority claim: (1) by amendment to the specification; or (2) by providing a suitable application data sheet.³

In the present application (10/669060), the Office correctly recognized the priority claim. Therefore, no Rule 78 petition is required.

Applicant submitted a corrected Application Data Sheet to correct the statement of priority, a copy of which is enclosed herewith. Applicant also encloses an amendment to the specification to correct the statement of priority.

Petition fee

Please charge the petition fee of \$400 due under Rule 1.17(f) to our deposit account 06-1050, referencing attorney docket "13589-012005". No other fees are believed to be due in

¹ *Sampson v. Commissioner*, 195 USPQ 136, (D.D.C. 1976)

² *Fed. Reg.* vol. 66, no. 249, page 67090, see also comment 2 on page 67091; *MPEP* 201.11(V).

³ *Id.*

connection with the filing of this petition. However, to the extent additional fees are due, or if a refund is forthcoming, please adjust our deposit account 06-1050, reference Attorney Docket No. 13589-012005.

Respectfully submitted,

Date: May 10, 2007



Faustino A. Lichauco
Reg. No. 41,942

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906